

Dated: October 16, 2006



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THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

MARY MARCELJA, Individually, as
 Wrongful Death Heir, and as Successor-in-
 Interest to RICHARD MARCELJA,
 Deceased; TIMOTHY MARCELJA,
 THEODORE MARCELJA, ANTHONY
 MARCELJA, as Legal Heirs of RICHARD
 MARCELJA, Deceased,

Plaintiffs,

vs.

TODD SHIPYARDS CORPORATION,
 NEWPORT NEWS SHIPBUILDING
 AND DRY DOCK COMPANY, and
 DOES 1-300,

Defendants.

No. C06-5713 MMC

NOTICE OF DISMISSAL
 WITHOUT PREJUDICE

Pursuant to FRCivP 41(a), Plaintiffs hereby dismisses all Defendants from the above-referenced action, found at case number C06-5713 MMC, without prejudice.

Dated: October 13, 2006

BRAYTON ♦ PURCELL LLP

/s/ David R. Donadio

By:

David R. Donadio
 Attorneys for Plaintiffs